

FIRST REGULAR SESSION

# SENATE BILL NO. 253

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time January 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1242S.011

## AN ACT

To repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 162.492, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 162.492, to read as follows:

162.492. 1. In all urban districts containing the greater part of the  
2 population of a city which has more than three hundred thousand inhabitants the  
3 terms of the members of the board of directors in office in 1967 shall continue  
4 until the end of the respective terms to which each of them has been elected to  
5 office and in each case thereafter until the next school election be held and until  
6 their successors, then elected, are duly qualified as provided in this section.

7       2. In each urban district designated in subsection 1, the election authority  
8 of the city in which the greater portion of the school district lies, and of the  
9 county if the district includes territory not within the city limits, shall serve ex  
10 officio as a redistricting commission. The commission shall on or before  
11 November 1, 1969, divide the school district into six subdistricts, all subdistricts  
12 being of compact and contiguous territory and as nearly equal in the number of  
13 inhabitants as practicable and thereafter the board shall redistrict the district  
14 into subdivisions as soon as practicable after each United States decennial  
15 census. In establishing the subdistricts each member shall have one vote and a  
16 majority vote of the total membership of the commission is required to make  
17 effective any action of the commission.

18       3. School elections for the election of directors shall be held on municipal  
19 election days in each even-numbered year. At the election in 1970, one member

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 of the board of directors shall be elected by the voters of each subdistrict. The  
21 seven candidates, one from each of the subdistricts, who receive a plurality of the  
22 votes cast by the voters of that subdistrict shall be elected and the at-large  
23 candidate receiving a plurality of the at-large votes shall be elected. In addition  
24 to other qualifications prescribed by law, each member elected from a subdistrict  
25 must be a resident of the subdistrict from which he is elected. The subdistricts  
26 shall be numbered from one to six and the directors elected from subdistricts one,  
27 three and five shall hold office for terms of two years and until their successors  
28 are elected and qualified, and the directors elected from subdistricts two, four and  
29 six shall hold office for terms of four years and until their successors are elected  
30 and qualified. Every two years thereafter a member of the board of directors  
31 shall be elected for a term of four years and until his successor is elected and  
32 qualified from each of the three subdistricts having a member on the board of  
33 directors whose term expires in that year. Those members of the board of  
34 directors who were in office in 1967 shall, when their terms of office expire, be  
35 succeeded by the members of the board of directors elected from subdistricts. In  
36 addition to the directors elected by the voters of each subdistrict, additional  
37 directors shall be elected at large by the voters of the entire school district as  
38 follows: In 1970 one director at large shall be elected for a two-year term. In  
39 1972 one director at large shall be elected for a four-year term. In 1974 two  
40 at-large directors shall be elected for a four-year term and thereafter in  
41 alternative elections one director shall be elected for a four-year term and then  
42 two directors shall be elected for a four-year term, so that from and after the 1970  
43 election the board of directors not including those members who were in office in  
44 1967 shall consist of seven members until the 1974 election and thereafter the  
45 board shall consist of nine members. In those years in which one at-large director  
46 is to be elected each voter may vote for one candidate and the candidate receiving  
47 a plurality of votes cast shall be elected. In those years in which two at-large  
48 directors are to be elected each voter may vote for two candidates and the two  
49 receiving the largest number of votes cast shall be elected.

50 4. The six candidates, one from each of the subdistricts, who receive a  
51 plurality of the votes cast by the voters of that subdistrict and the at-large  
52 candidates receiving a plurality of the at-large votes shall be elected. The name  
53 of no candidate for nomination shall be printed on the ballot unless the candidate  
54 has at least sixty days prior to the election filed a declaration of candidacy with  
55 the secretary of the board of directors containing the signatures of at least two

56 hundred fifty registered voters who are residents of the subdistrict within which  
57 the candidate for nomination to a subdistrict office resides, and in case of at-large  
58 candidates the signatures of at least five hundred registered voters. The election  
59 authority shall determine the validity of all signatures on declarations of  
60 candidacy.

61 5. In any election either for at-large candidates or candidates elected by  
62 the voters of subdistricts, if there are more than two candidates, a majority of the  
63 votes are not required to elect but the candidate having a plurality of the votes  
64 if there is only one office to be filled and the candidates having the highest  
65 number of votes, if more than one office is to be filled, shall be elected.

66 6. The names of all candidates shall appear upon the ballot without party  
67 designation and in the order of the priority of the times of filing their petitions  
68 of nomination. No candidate may file both at large and from a subdistrict and  
69 the names of all candidates shall appear only once on the ballot, nor may any  
70 candidate file more than one declaration of candidacy. All declarations shall  
71 designate the candidate's residence and whether the candidate is filing at large  
72 or from a subdistrict and the numerical designation of the subdistrict or at-large  
73 area.

74 7. The provisions of all sections relating to seven-director school districts  
75 shall also apply to and govern urban districts in cities of more than three  
76 hundred thousand inhabitants, to the extent applicable and not in conflict with  
77 the provisions of those sections specifically relating to such urban districts.

78 8. Vacancies which occur on the school board between the dates of election  
79 shall be filled by [majority vote of the remaining members of the school board to  
80 serve until the time of the next regular school board election. Subdistrict director  
81 vacancies shall be filled by appointment of a resident of the subdistrict in which  
82 the vacancy occurs] **special election. The state board of education shall**  
83 **order a special election to fill such a vacancy. A letter from the**  
84 **commissioner of elementary and secondary education, delivered by**  
85 **certified mail to the election authority or authorities that would**  
86 **normally conduct an election for school board members shall be the**  
87 **authority for the election authority or authorities to proceed with**  
88 **election procedures.**